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UPOV/C/V/21

Original: English

Date: October 11, 1971

UPOV

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL

Fifth Session

Geneva, October 13 to 15, 1971

COMPETITION FROM PRODUCERS IN NON-MEMBER STATES

Report by the Secretary General

1. The Secretariat has received from the Fédération nationale des producteurs de l'horticulture et des pépinières, in Paris, a letter, dated September 23, 1971, addressed to the Chairman of the Council, in which, inter alia, the said Federation calls the attention of UPOV to the fact that producers of certain protected plant varieties domiciled in the member States and therefore obliged to pay royalties to the breeders have to face competition from producers outside the UPOV area who do not pay such royalties. The letter is reproduced in the Annex overleaf.

2. The Council is invited to take note of the contents of the letter referred to.

/End of document,
Annex follows/

Annex to document UPOV/C/V/21

Original : French

Fédération nationale des
producteurs de l'horticulture
et des pépinières

Paris, September 23, 1971

to the Chairman
of the Council of UPOV
32 chemin des Colombettes
Geneva (Switzerland)

Subject: Protection of New Plant Varieties

Sir,

The fact that the protection of new plant varieties is operative only in certain countries gives rise to visible disparities, at the international level, in the cost price of horticultural products, and this has a tendency to impair the normal balance of competition, with the result that products originating in countries without protection have an unfair advantage over protected products.

French horticultural producers would be hard put to tolerate the persistence of such an unequal distribution of the burden, since it seriously handicaps their production.

Consequently, the National Federation of Horticultural and Nursery Growers has the honor to request:

(1) that the following countries, which are still only signatories of the Paris Convention of December 2, 1961, ratify it and promulgate their own national laws within as short a period as possible: Belgium, Italy and Switzerland.

(2) that coercive measures be taken, as in France, to control the importation of horticultural species or varieties which are protected in the importing country but originate in countries without protection, until such time as those countries ratify the Paris Convention: this applies to Israel, Spain and countries of Eastern Europe (with the exception of Hungary).

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In addition, the National Federation of Horticultural and Nursery Growers, being aware of the initiating role played by protection in the search for novelty, wishes that protection may be afforded to as large a number of ornamental species as possible and especially--as a top-priority minimum--to those which are widely known in international trade.

We are certain that you will appreciate our current difficulties and our emphatic request that a remedy be found. In this hope and with our thanks, Sir, we remain,

Yours faithfully,

E. DEBROISE
Chairman

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and of document/